



## **U.S. DEPARTMENT OF LABOR**

### **Occupational Safety and Health Administration**

**[Docket No. OSHA-2007-0039]**

#### **Intertek Testing Services NA, Inc.: Request for Renewal of Recognition**

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor

**ACTION:** Notice

**SUMMARY:** In this notice, OSHA announces the Intertek Testing Services NA, Inc. (ITSNA), application containing a request for renewal of recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7.

**DATES:** Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before [INSERT DATE 15 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit comments by any of the following methods:

1. Electronically: Submit comments and attachments electronically at <http://www.regulations.gov>, which is the Federal eRulemaking Portal. Follow the instructions online for making electronic submissions.
2. Facsimile: If submissions, including attachments, are not longer than 10 pages, commenters may fax them to the OSHA Docket Office at (202) 693-1648.
3. Regular or express mail, hand delivery, or messenger (courier) service: Submit a copy of comments and any attachments to the OSHA Docket Office, Docket No. OSHA-2007-0039, Technical Data Center, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-2625, Washington, DC 20210; telephone: (202) 693-2350 (TDY number: (877) 889-5627). Note that security procedures may result in significant delays in

receiving comments and other written materials by regular mail. Contact the OSHA Docket Office for information about security procedures concerning delivery of materials by express delivery, hand delivery, or messenger service. The hours of operation for the OSHA Docket Office are 8:15 a.m. - 4:45 p.m., e.t.

4. Instructions: All submissions must include the Agency name and the OSHA docket number (OSHA-2007-0039). OSHA will place all submissions, including any personal information provided, in the public docket without revision, and these submissions will be available online at <http://www.regulations.gov>.

5. Docket: To read or download submissions or other material in the docket, go to <http://www.regulations.gov> or the OSHA Docket Office at the address above. All documents in the docket are listed in the <http://www.regulations.gov> index; however, some information (e.g., copyrighted material) is not publicly available to read or download through the Web site. All submissions, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Contact the OSHA Docket Office for assistance in locating docket submissions.

6. Extension of comment period: Submit requests for an extension of the comment period on or before [INSERT DATE 15 DAYS AFTER PUBLICATION IN THE FEDERAL REGISTER] to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC 20210, or by fax to (202) 693-1644.

**FOR FURTHER INFORMATION CONTACT:** David W. Johnson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and

Emergency Management, Occupational Safety and Health Administration, U.S.

Department of Labor, 200 Constitution Avenue, NW., Room N-3655, Washington, DC

20210, phone (202) 693-2110, or email at [johnson.david.w@dol.gov](mailto:johnson.david.w@dol.gov).

## **SUPPLEMENTAL INFORMATION:**

### **I. Background**

OSHA recognition of an NRTL signifies that the organization meets the requirements in Section 1910.7 of Title 29, Code of Federal Regulations (29 CFR 1910.7).

Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within its scope of recognition and is not a delegation or grant of government authority. As a result of recognition, employers may use products properly approved by the NRTL to meet OSHA standards that require testing and certification. OSHA maintains an informational Web site for each NRTL that details its scope of recognition available at

<http://www.osha.gov/dts/otpc/nrtl/index.html>.

The Agency processes applications by an NRTL for renewal of recognition following requirements in Appendix A to 29 CFR 1910.7. OSHA conducts renewals in accordance with the procedures in 29 CFR 1910.7, App. II.C. In accordance with these procedures, NRTLs submit a renewal request to OSHA, not less than nine months or no more than one year, before the expiration date of its current recognition. A renewal request includes a request for renewal and any additional information the NRTL wishes to submit to demonstrate its continued compliance with the terms of its recognition and 29 CFR 1910.7. If OSHA has not conducted an on-site assessment of the NRTL's headquarters and key sites within the past 18 to 24 months, it will schedule the necessary on-site assessments prior to the expiration date of the NRTL's recognition. Upon review of the

submitted material and, as necessary, the successful completion of the on-site assessment, OSHA announces its preliminary decision to grant or deny renewal in the Federal Register and solicit comments from the public. OSHA then publishes a final Federal Register notice responding to any comments and renewing the NRTL's recognition for a period of five years, or denying the renewal of recognition.

ITSNA initially received OSHA recognition as an NRTL on September 13, 1989 (54 FR 37845). ITSNA's most recent renewal was on May 29, 2001, for a five-year period, expiring on May 29, 2006. ITSNA submitted a timely request for renewal, dated August 25, 2005 (see Ex. OSHA-2007-0039-0011), and retains its recognition pending OSHA's final decision in this renewal process. The current addresses of ITSNA facilities recognized by OSHA and included as part of the renewal request are:

1. ITSNA Cortland, 3933 U.S. Route 11, Cortland, New York 13045;
2. ITSNA Atlanta, 1950 Evergreen Boulevard, Duluth, Georgia 30096;
3. ITSNA Boxborough, 70 Codman Hill Road, Boxborough, Massachusetts 01719;
4. ITSNA Lexington, 731 Enterprise Drive, Lexington, Kentucky 40510;
5. ITSNA San Francisco, 1365 Adams Court, Menlo Park, California 94025;
6. ITSNA Los Angeles, 25791 Commercentre Drive, Lake Forest, California 92630;
7. ITSNA Minneapolis, 7250 Hudson Boulevard, Suite 100, Oakdale, Minnesota 55128;
8. ITSNA Madison, 8431 Murphy Drive, Middleton, Wisconsin 53562;
9. ITSNA SEMKO, Box 1103, S-164 #22, Kista, Stockholm, Sweden;
10. ITSNA Chicago, 545 East Algonquin Road, Suite F, Arlington Heights, Illinois 60005;

11. ITSNA Hong Kong, 2/F., Garment Centre, 576 Castle Peak Road, Kowloon, Hong Kong;
12. ITSNA Vancouver, 1500 Brigantine Drive, Coquitlam, British Columbia, Canada V3K 7C1;
13. ITSNA Fairfield, 41 Plymouth Street, Fairfield New Jersey 07004; and
14. ITSNA Dallas, 1809 10th Street, Suite 400, Plano, Texas 75074.

## **II. Notice of Preliminary Findings**

OSHA is providing notice that ITSNA is applying for renewal of its current recognition as a NRTL. This renewal covers ITSNA's existing NRTL scope of recognition. OSHA evaluated ITSNA's application for renewal and preliminarily determined that ITSNA can continue to meet the requirements prescribed by 29 CFR 1910.7 for recognition. Accordingly, OSHA is making a determination that it does not need to conduct an on-site review of ITSNA's facilities based on its evaluations of ITSNA's application and all other available information. This information includes OSHA's most recent audit of ITSNA's headquarters, ITSNA Cortland, on June 20-22, 2012, in which the auditors found some non-conformances with the requirements of 29 CFR 1910.7. ITSNA addressed these issues sufficiently to meet the applicable NRTL requirements.

OSHA also performed audits of the ITSNA Cortland site on August 25-27, 2009 and June 18-19, 2008; of the ITSNA Atlanta site on March 12-13, 2008; of the ITSNA Boxborough site on March 21-22, 2013; of the ITSNA San Francisco site on April 23-24, 2012; of the ITSNA Hong Kong site on August 19-21, 2013; of the ITSNA Vancouver site on October 16-17, 2008; and of the ITSNA Dallas site on March 1-2, 2013. The auditors found some non-conformances with the requirements of 29 CFR 1910.7. ITSNA

addressed these issues sufficiently to meet the applicable NRTL requirements. This preliminary finding does not constitute an interim or temporary approval of the application.

OSHA welcomes public comment as to whether ITSNA meets the requirements of 29 CFR 1910.7 for renewal of their recognition as an NRTL. Comments should consist of pertinent written documents and exhibits. Commenters needing more time to comment must submit a request in writing, stating the reasons for the request. OSHA must receive the written request for an extension by the due date for comments. OSHA will limit any extension to 30 days unless the requester justifies a longer period. OSHA may deny a request for an extension if it is not adequately justified. To obtain or review copies of the publicly available information in ITSNA's application and other pertinent documents (including exhibits), as well as all submitted comments, contact the Docket Office, Room N-2625, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address; these materials also are available online at <http://www.regulations.gov> under Docket No. OSHA-2007-0039.

OSHA staff will review all comments to the docket submitted in a timely manner and, after addressing the issues raised by these comments, will recommend whether to grant ITSNA's application for renewal. The Assistant Secretary will make the final decision on granting the application and, in making this decision, may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7. OSHA will publish a public notice of this final decision in the Federal Register.

### **III. Authority and Signature**

David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue, NW., Washington, DC 20210, authorized the preparation of this notice. Accordingly, the Agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 1-2012 (77 FR 3912, Jan. 25, 2012), and 29 CFR 1910.7.

Signed at Washington, DC, on February 19, 2014.

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**David Michaels,**  
Assistant Secretary of Labor for Occupational Safety and Health.

**BILLING CODE: 4510-26-P**

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